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April 6, 1999

RECEIVED  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Washington, DC 20554

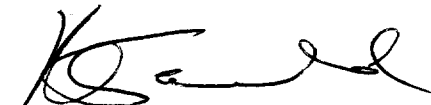
Re: **Report of Ex Parte Communication  
RM-9260**

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to report that a written *ex parte* presentation concerning RM-9260 was made on March 15, 1999, by Sherwin Grossman, President of the **Community Broadcasters Association** ("CBA") to Paul E. Misener in the office of **Commissioner Harold Furchgott-Roth**.

A copy of that presentation is attached for the public *ex parte* file for RM-9260.

Very truly yours,



Peter Tannenwald  
Counsel for the Community  
Broadcasters Association

cc: Paul E. Misener, Esq. (fax to 202-418-2802)  
Mr. Sherwin Grossman (CBA)  
Mr. Michael Sullivan (CBA)

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# COMMUNITY BROADCASTERS ASSOCIATION

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15 March, 1999

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Mr. Paul E. Misener  
c/o Commissioner Roth  
Federal Communications Commission  
445 12 Street, S. W.  
Mail Stop 0106  
Washington D.C. 20554

Dear Paul:

I wish to thank you for the frank exchange we had covering LPTV. It is an erroneous impression that the granting of permanent status would be granting people stations worth hundreds of millions of dollars.

No matter how you cut the cake, in every market Class A stations will not, cannot and should not be competitive with full power. Here are few markets as examples:

## Miami, Fl

Full Power	
1,440, 330	Households

WJAN-LP  
900,000

## Milwaukee, WI

Full Power  
782,810

Low Power  
356,710

## Nashville, TN

Full Power  
765,870

Low Power  
235,000

As long as LPTV Stations do not cover their full DMA, you cannot sell to a national advertiser that DMA. Low Powers were not designed to serve the full DMA, but to serve segments (minority etc) within a DMA. This includes not only special political divisions and minorities such as Hispanics, Afro-americans, Koreans, but everybody with special needs.

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There are LPTV stations that serve small cities located 50 or 60 miles from large DMA's such as Hopkinsville, Ky 60 odd miles N.W. from Nashville TN. Nashville 33<sup>rd</sup> market serves about 50 counties, one of them is Christian, KY located 50 miles N.W. approximately 35,000 or 40,000 persons reside there and it carries only TV service from Nashville, TN. WCAG-LP is the only local TV service in Hopkinsville, Ky. This low power station employs over 40 people, does in excess of 20 hours per week of local live production covering everything from local news, the news from a large military installation in the county.

Another illustration, under the full power rules, a licensee can locate its transmitter any place as long as the city grade signal goes over all the city of licensees. When a city such as St. Cloud, Minneapolis which has a full power assigned station the owners of that station placed their transmitter as close to Minneapolis/St. Paul as physically as they could still giving service to St. Cloud. Because of the large service area the full power station becomes a Minneapolis station, the people of St. Cloud loses their service. A low power station K19BG is serving them. They do have many hours of local programming designed to serve the people of St. Cloud. Low powers are designed to serve niches in broadcasting and national advertisers are not interested in buying these small communities.

The above holds true across the country and no matter how primary status is given, it can never compete with a full power station and it therefore can never be worth the dollars that a full power does.

The purpose of the rule is to provide spectrum security to qualified low power licensees. Channel security is a necessary component of investment security. We need to continue capitalizing our stations, neither banks nor other normal avenues of capital are available. This I know from being in the broadcasting business 49 years and I have been an affiliate with NBC, CBS, ABC and Dumont TV networks. Local broadcast service which is being provided by LPTV is being financed by private sources. As an ex-president of a bank I can attest to this fact and speaking as a bank officer, if we made loans to somebody with a secondary status license, I would be the first one to fire him.

The NAB states that "low power licensees should not be granted primary status because it could block efficient roll out of digital TV".

This statement is simply wrong. The rule was carefully written to ensure grade B protection from interference, both existing analog stations as well as new digital stations. There will be no Class A primary status for any low power station unless it can be assigned a spectrum that does not conflict with a full

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power broadcast stations. We are protecting their contour 100%, both digital and analog.

If you have any questions please contact me at 305 592 4141. I would come to Washington to talk to you again or the Commissioner to help clarify some of your concerns.

Very truly yours,

Sherwin Grossman.  
President  
Community Broadcaster Association